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8 Attorneys for Plaintiff
 9 FLAVIA OLIVEIRA

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12
 13 FLAVIA OLIVEIRA

14 Plaintiff,

15 vs.

16 ALR INDUSTRIES, INC.. a Nevada
 Corporation; and DOES 1 through 30,
 17 inclusive

18 Defendants.

CASE NO. CV 10 5735MEJ

STIPULATION TO DISMISS
 ACTION WITHOUT
 PREJUDICE; ORDER

Judge: Hon. Maria-Elena James

23 WHEREAS on December 16, 2010, Plaintiff Flavia Oliveira filed her complaint in the
 24 above captioned action;

25 WHEREAS, Defendant Applied Lifescience Research Industries, Inc. erroneously sued
 26 herein as ALR Industries, Inc. (hereinafter referred to as "Defendant") agreed to waive service of
 27 summons on January 4, 2011;

28 WHEREAS on or about January 18, 2010, defense counsel contacted plaintiff's counsel

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OLIVEIRA v. ALR INDUSTRIES, INC.
 CASE NO. CV 10 5735

STIPULATION TO DISMISS ACTION WITHOUT
 PREJUDICE

FILED BY FAX

1 to discuss the absence of subject matter jurisdiction in this action and Defendant's objections to
2 the venue selected by Plaintiff. In that communication, defense counsel advised plaintiff's
3 counsel that diversity jurisdiction does not exist and further informed plaintiff's counsel that
4 Southern California is the proper venue for this matter;

5 WHEREAS on or about January 25, 2011, Plaintiff and Defendant, through their
6 respective counsel, agreed to stipulate to dismiss this action without prejudice and allow Plaintiff
7 to re-file this action in Superior Court for the State of California for the County of Los Angeles;
8 and;

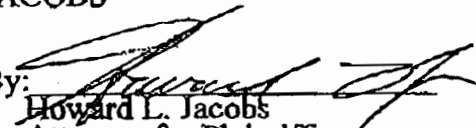
9 WHEREAS, Defendant has agreed that it will not challenge jurisdiction or attempt to
10 remove the matter to Federal Court after Plaintiff re-files this action in Superior Court for the
11 State of California for the County of Los Angeles.

12 IT IS HEREBY STIPULATED and agreed that the this action be dismissed without
13 prejudice and re-filed in the Superior Court for the State of California for the County of Los
14 Angeles.

15 IT IS SO STIPULATED.


16
17 Dated: February 4, 2011

LAW OFFICES OF HOWARD L. JACOBS

18
19 By: 
20 Howard L. Jacobs
21 Attorney for Plaintiff
22 FLAVIA OLIVEIRA

23 Dated: February 7, 2011

GORDON & REES LLP

24 By: 
25 ~~James P. Gordon~~ J. Todd Konold
26 Attorney for Defendant
27 APPLIED LIFESCIENCE
28 RESEARCH INDUSTRIES, INC.

PROOF OF SERVICE

Flavia Oliveira v. ALR Industries, Inc., et al.

U.S. District Court, Northern Division of California, Case No. CV-10-5735MEJ

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon & Rees LLP 101 W. Broadway, Suite 2000, San Diego, CA 92101. On February 7, 2011, I served the within documents:

STIPULATION TO DISMISS ACTION WITHOUT PREJUDICE AND ORDER

- ☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☐ by personal service by cause. I caused said documents to be hand-delivered to the addressee, pursuant to Code of Civil Procedure §1011.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in United States mail in the State of California at San Diego, addressed as set forth below.
- ☐ by placing a true copy thereof enclosed in a sealed envelope, at a station designated for collection and processing of envelopes and packages for overnight delivery by FedEx as part of the ordinary business practices of Gordon & Rees LLP described below, addressed as follows:

Howard L. Jacobs
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Attorneys for Plaintiff

R. Daniel Fleck
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Tel: 307-733-7290 / Fax: 733-5248
Attorneys for Plaintiff

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 7, 2011, at San Diego, California.


Patrick R. Langevin

Gordon & Rees LLP
101 West Broadway, Suite 2000
San Diego, CA 92101